

# **EXHIBIT 1**

THE COURT OF COMMON	)	STATE OF SOUTH CAROLINA
	)	
	)	THE COURT OF COMMON PLEAS
	)	5 <sup>th</sup> JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	LAND
	)	

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MARK FULTZ	)	CASE NO.
	)	
Plaintiff,	)	Civil Action
vs.	)	
	)	
TWO NOTCH HOSPITALITY, LLC	)	
	)	<b>SUMMONS</b>
	)	
	)	
Defendant(s).	)	

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TO THE DEFENDANTS NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Camden, South Carolina

Dated: November 2, 2022.

	S/Anthony Brady
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	Plaintiff/Attorney for Plaintiff
Address:	Anthony J. Brady Jr.
	1670-9 Springdale Drive
	PMB 159
	Camden , South Carolina 29020
	561-603-8387
	Email: ladbrady@gmail.com
	Attorney ID. 15506.

STATE OF SOUTH CAROLINA	)	THE COURT OF COMMON
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MARK FULTZ	)	CASE NO.
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TWO NOTCH HOSPITALITY, LLC	)	
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Plaintiff, Mark Fultz residing at Apt. 106, NW Avenue, Margate, Florida. by way of complaint against the Defendant states:

1. This Honorable Court has jurisdiction in that it is a Court of general jurisdiction and the Plaintiff has alleged a violation of federal law Title III of the Americans With Disabilities Act, 42 U.S.C. § 12101, et seq. Plaintiffs' claim is greater than \$15,000.00 and venue is proper in Richland County because the cause of action arose in Richland County and that Defendant resides in Richland County.

**PARTIES:**

2. Plaintiff, Mark Fultz resides at Apt 106, 231 NW. 76 Avenue, Margate, Florida.

He is a disabled man due to a stroke. As a result he cannot walk without a cane or a wheelchair.

Fultz qualifies as an individual with disabilities as defined by the federal Americans with Disabilities Act (ADA).

3. The Defendant TWO NOTCH HOSPITALITY, LLC owns , lease, leases to, or operates a place of

public accommodation called Best Western located at 7525 Two Notch Rd. Columbia, SC 29223.

### **FIRST COUNT.**

4. Plaintiff is a frequent traveler to Columbia, South Carolina because his family resides in the area. He also attends University of South Carolina football and basketball games. He has a friend that lives near Two Notch Road. He is disabled and uses a walker and a cane.

5. On November 6, 2021 Fultz was a guest at Defendants' Hotel and intends to be a patron when it is accessible.

6. His ability to use the services of the hotel was impaired because of lack of proper access to him and the disabled as a whole.

7. Specially, the hotel parking does not provide proper parking and routes for the disabled in that it is in that Fultz is a wheelchair user it is more difficult for him to travel from point A to B, therefore he has been discriminated against under the ADA.

8. The route from the parking to the front entrance nor commons does not have an accessible route.

9. There are no proper accessible rooms provided for the disabled. The room provided does not have accessible bathrooms, showers, route and does not and other public services are not accessible.

Moreover, its web site does not provide the required information on its site.

10. The above violations are violations of the federal ADA Title III.

11. The discriminatory violations described above are not an exclusive list of the defendants' accessibility problems/violations. Plaintiff requires an inspection to identify all barriers.

12. The plaintiff intends to be a frequent patron of defendants, when it complies with the ADA. He will also return as a tester.

13. Plaintiff seeks equitable relief in that to create access is readily achievable if the above

violations are pre-existing construction.

14. The above violations are also violations of South Carolina Law. As a result he sustained damages.

Wherefore, plaintiff Fultz seeks:

- a). Injunctive relief under the ADA.
- b). Damages and injunctive relief under South Carolina Law.
- c). Attorney fees and costs of suit under the ADA.

Date: November 2, 2022.

By: s/Anthony J. Brady, Jr.  
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